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Paper No. 6

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OFFICE OF PETITIONS

In re Application of :
Riggs et al. :
Application No. 09/915,301 : ON PETITION
Filed: 27 July, 2001 :
Attorney's Docket No. 1103.40051X00 :

Receipt is acknowledged of the petition filed on 7 November, 2001, concerning the Patent and Trademark Office's handling of an application assigned application Serial No. 09/915,301.

The petition is dismissed.

The application was filed on 27 July, 2001. However, on 7 September, 2001, Initial Patent Examination Division mailed a "Notice" stating that the application had been accorded a filing date of 27 July, 2001, and advising applicants that Figure 1 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner explains that no figure was missing on 27 July, 2001. Instead, the application papers included three figures labeled Figures 1A-1C. The specification, however, incorrectly referred to Figure 1 rather than Figures 1A-1C.

It is obvious from the petition that no drawing was actually missing on 27 July, 2001. Rather, the specification incorrectly referred to Figure 1 as a result of the applicants' filing error. However, the "Notice" mailed on 7 September, 2001, was correct in stating that Figure 1 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The present petition was not necessitated by any error on the part of the Office and the \$130.00 petition was required upon filing of the petition. Thus, the \$130.00 petition fee will not be refunded.

Petitioners submitted with the present petition a preliminary amendment correcting the references to Figure 1 in the specification.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 27 July, 2001.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Douglas I. Wood at (703) 308-6918.



Beverly M. Flanagan
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for Patent Examination Policy